

U.S.S.N.: 10/604,903

6

81091765/81038267 (FGT 1839 PA)

REMARKS

In the Action, claims 1 and 17 were rejected under 35 U.S.C. § 102(b) as being anticipated by the Olson patent (U.S. No. 5,324,072). The Applicants respectfully traverse this rejection for the reasons set forth below.

In the Olson patent (Figs. 4, 5, 8, and 9), the dual cushion airbag 22 therein has a lower portion 36 that inflates downwardly from an armrest 24 for protecting an occupant's abdomen, namely his hips and lower torso. (col. 5, lines 65-67). Conversely, the claimed side airbag includes a thorax-receiving portion for cushioning an occupant's thorax. The definition of a thorax is "a part of the human body between the neck and the diaphragm, partially encased by the ribs and containing the heart and lungs." *American Heritage Dictionary of English Language*: (Fourth Edition 2000). Accordingly, the claimed thorax-receiving portion of the side airbag is substantially different than the lower portion 36 in the Olson patent. Thus, for this reason alone, claims 1 and 17 are novel and allowable.

Also, by this Amendment, the claimed invention has been clarified as including the thorax-receiving portion sized thinner than the shoulder-receiving portion when the shoulder-receiving portion is compressed. It is understood that the Olson patent does not teach or suggest this limitation because compressing one part of the Olsen airbag will cause another portion to inflate larger. Furthermore, it is respectfully submitted that this limitation is not new as it is an inherent feature of the originally claimed structure. To that end, the amendment does not require further search and/or consideration. For this additional reason, the Applicants submit that claims 1 and 17 are novel notwithstanding the Olson patent.

Further, in the Action, claims 2-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Olson patent in view of the Ono patent (U.S. No. 5,797,621). Withdrawal of this rejection is respectfully requested for the reasons provided below.

In the Ono patent, the airbag therein includes a seam S12 connecting an inboard side of the airbag to an outboard side thereof. Initially, however, the Ono patent does not disclose the thorax-receiving portion as detailed above. Specifically, neither reference discloses the thorax-receiving portion remaining thinner than the shoulder-receiving portion when the airbag is inflated and the shoulder-receiving portion is compressed. As indicated

U.S.S.N.: 10/604,903

7

81091765/81038267 (FGT 1839 PA)

hereinabove, these features are inherent in the claimed limitations and, for purposes of clarification, are now expressly recited therein by this Amendment.

Additionally, the above modification of the Olson patent in view of the Ono reference was based on the general motivation of improving the production of the airbag. It is respectfully submitted that the purported motivation is overly broad and therefore insufficient to establish a prima facie obviousness rejection.

In the Olson patent (Figs. 2 and 3), the tethers 26 therein have an equal length and attach an inboard side of the airbag to an outboard side. In that way, the tethers 28 are utilized for providing the inflated airbag with a substantially constant width from its top end to its bottom end. On the other hand, the claimed invention includes tethers for providing an airbag with a tapered width from its top end to its bottom end. Namely, the claimed thorax-receiving portion of the airbag is sized thinner than the shoulder-receiving portion. In this respect, the Ono patent teaches away from the claimed invention.

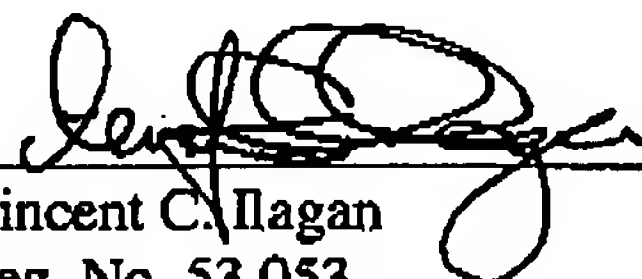
Regarding claim 6, the invention recited therein includes the limitations set forth in claims 1 and 3. Thus, claim 6 is allowable for the same reasons provided in support of claims 1 and 3.

With respect to claim 11, the recited tethers have different lengths. The Olson patent and the Ono patent do not teach or suggest this limitation.

In view of the foregoing, all of the claims remaining in the case, namely claims 1-20, are in proper form and patentably distinguish from the prior art. Accordingly, allowance of the claims and passage of the application to issuance are respectfully solicited.

Respectfully submitted,

ARTZ & ARTZ, P.C.



Vincent C. Ilagan
Reg. No. 53,053
28333 Telegraph Road, Ste. 250
Southfield, MI 48034
Attorney for Applicants

Date: June 23, 2005